

Mayor Patrick L. McCrory
Nancy G. Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
James E. Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon
Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL ZONING AGENDA

Wednesday, October 23, 2002

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

Dinner Meeting
Prosperity Villages 2002-89
Martin Cramton, Planning Commission
Ron Tober, CATS
Jim Humphries, CDOT
Attachment No. 1

6:00PM – Zoning Decisions
Meeting Chamber

DECISIONS

- 2. Plan Amendment (PA-02-01)** – Consideration to amend the 1996 Northeast District Plan for several parcels of land along Prosperity Church Road in the southeast quadrant of Eastfield and Prosperity Church Roads for approximately 74.11 acres. ***Petitioner: Cambridge Properties, Inc.***

Attachment No. 2

- 3. Petition No. 2001-102 (decision) by Donald P. Renaldo** for a change in zoning for approximately 2.76 acres on the eastern corner of Krefeld Drive and Independence Boulevard from R-12MF(CD) and B-1(CD) to B-2.

The Zoning Committee voted to recommend **DENIAL** of this petition, despite the following modifications to the site plan:

- The exterior materials note has been changed to more carefully define and limit the use of “metallic materials”.

Attachment No. 3

4. **Petition No. 2002-58 (decision) by *Levine Properties and Progressive Development Partners, LLC*** for a change in zoning for approximately 55.76 acres located east of Monroe Road on the south side of Sardis Road North and the east and west side of Galleria Boulevard from I-1 to CC.

The Zoning Committee voted unanimously to **APPROVE** this petition contingent on the minor site plan issues being resolved to staff’s satisfaction prior to the City Council vote.

Attachment No. 4

5. **Petition No. 2002-65 (decision) by *Robert T. Murphy*** for a change in zoning for approximately 3.1 acres located at 14221 Youngblood Road by the intersection of Youngblood Road and York Road from R-3 to B-2(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modifications:

- The 4,500-square foot reception hall has been deleted.
- Parking has been increased to 67 spaces.
- No permanent structures will be constructed in the future right-of-way for Shopton Road Extension.
- A 50-foot wooded buffer will be retained along Youngblood Road.
- Maximum attendance has been reduced to 125 people.

Attachment No. 5

6. **Petition No. 2002-70 (decision) by *Continental Real Estate/Queens Properties*** for a change in zoning for approximately 59 acres north of West W.T. Harris Boulevard at Technology Drive from RE-1 to MUDD(CD).

The Zoning Committee voted to recommend **APPROVAL** of this petition, contingent upon all transportation issues being resolved to the satisfaction of CDOT, prior to City Council action.

Attachment No. 6

7. **Petition No. 2002-81 (decision) by *Crosland, Inc.*** for a change in zoning for approximately 11.64 acres located north of West WT Harris Boulevard between West Sugar Creek Road and Cheshire Road, south of David Cox Road to CC.

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition.

Attachment No. 7

8. **Petition No. 2002-85 (decision) by *Clarence R. and Edith W. Johnston*** for a change in zoning for approximately 9.2 acres located on the north side of Johnston-Oehler Road, south of Ridge Road and east of Prosperity Church Road.

The Zoning Committee voted to recommend **APPROVAL** of this petition, with the following modifications:

- Correction of the public street cross-sections to include street trees, modification of lane widths on Johnston-Oehler Road, and other details.
- A commitment to an end of building window treatment for all end orientations.
- At least two of the buildings along the exterior roads must have front orientations to the roads instead of end orientations.

Attachment No. 8

9. **Petition No. 2002-86 (decision) by *Donna H. Cochrane*** for a change in zoning for approximately 14.6 acres located on the west side of Prosperity Church Road, south of Eastfield Road from R-3 to R-8MF(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- The petitioner will construct the proposed minor thoroughfare dividing the property.

Attachment No. 9

10. **Petition No. 2002-89 (decision) by *Cambridge Properties, Inc.*** for a change in zoning for approximately 58 acres located on the southeast corner of Eastfield Road and Prosperity Church Road.

The Zoning Committee voted to recommend **APPROVAL** of this petition, with the following modifications:

- Commitment to additional transportation improvements requested by CDOT and resulting from the Traffic Impact Study for this site.

Attachment No. 10

- 11. Petition No. 2002-90 (decision) by *The City Attorney's Office*** for adoption of a text amendment to Section 6.110 "Hearing" to require that variances associated with a conditional rezoning be secured prior to the approval of the zoning request.

The Zoning Committee voted unanimously to **DEFER** this text amendment to their October, 2002 work session.

Attachment No. 11

- 12. Petition No. 2002-92 (decision) by *John Weiland Homes of NC, Inc.*** for a change in zoning for approximately 28.5 acres located on the southwest corner of Ardey-Kell Road and Lancaster Highway from R-8MF(CD) to R-3.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 12

- 13. Petition No. 2002-93 (decision) by *Richard Vinroot*** for a change in zoning for approximately 0.52 acres located between North Brevard Street and Faison Avenue, north of Davidson Street.

The Zoning Committee voted unanimously to **DENY** this conventional district request.

A protest petition has been filed.

Attachment No. 13

- 14. Petition No. 2002-94 (decision) by *Huntersville Investments, LLC*** for a change in zoning for approximately 54.517 acres located on the northwest side of Mount Holly Huntersville Road near the intersection with Mount Holly Road from I-1, LW/CA, LW/PA to MX-1 LW/CA, LW/PA.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modification:

- A note will be added to the site plan and the subdivision plan alerting potential property owners of the proposed thoroughfare.

Attachment No. 14

15. Petition No. 2002-95 (decision) by *Johnson C. Smith University* for a change in zoning for approximately 1.01 acres located on the northwest corner of Dixon Street and Campus Street, west of Beatties Ford Road from R-22MF to O-1(CD).

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Attachment No. 15

16. Petition No. 2002-96 (decision) by *Duckro Development, Inc.* for a change in zoning for approximately 8.5 acres located on the east side of North Idlewild Road, south of Lawyers Road from R-9MF(CD) to R-8(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 16

17. Petition No. 2002-99 (decision) by *Crosland, Inc.* for a change in zoning for approximately 74 acres located on the east side of Interstate 485 near the Mecklenburg County line, south of University City Boulevard from R-3 and I-1 to MX-1.

The Zoning Committee voted 5-2 to recommend **APPROVAL** of this petition.

Attachment No. 17

18. Petition No. 2002-100 (decision) by *Wilburn Auto Body Shop, Inc.* for a change in zoning for approximately 2 acres located South of East W.T. Harris Boulevard and north of Margaret Wallace Road, east of Independence Boulevard from BD(CD) to B-2(CD).

The Zoning Committee voted to recommend **APPROVAL** of this petition.

Attachment No. 18

19. Petition No. 2002-101 (decision) by *Pulte Homes Corporation* for a change in zoning for approximately 8 acres located east of Rea Road and south of Parks Farm Lane from R-3 to MX-1.

The Zoning Committee voted to recommend **APPROVAL** of this petition with the following modifications:

- Pedestrian lighting fixtures will be capped as per staff requests.
- Access to existing homes at the end of the proposed stub streets will be perpendicular to the street rather than connecting at the end of the streets.

- An improved buffer will be provided to abutting single-family homes to the east and north, as per discussions with those neighbors.
- Smaller maturing street trees will be planted to allow use of a five-foot planting strip consistent with the first phase of this development.

A protest petition was filed and was sufficient to invoke the ¾ majority-voting rule.

Attachment No. 19

- 20. Petition No. 2002-102 (decision) by *Withrow Family Trust, Alan T. Withrow, Trustee*** for a change in zoning for approximately 23.2 acres located south of Westinghouse Boulevard west of South Tryon Street from R-MH to I-1.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 20

- 21. Petition No. 2002-105 (decision) by *Joshua's Farm, Inc.*** for a change in zoning for approximately 21.56 acres located on the north side of Kidd Lane west of Beatties Ford Road R-3 to INST(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- The restroom facilities will be constructed as a part of the phase one development.
- The hours of operation will be limited to daylight hours only (not including the feeding of animals).
- Access to the site will be coordinated with the adjacent property owners so as not to cause additional congestion before 9:00am and between 3:30pm and 5:00pm.

Attachment No. 21

- 22. Petition No. 2002-106 (decision) by *Hinshaw Properties, LLC*** for a change in zoning for approximately 49.4 acres located on the west side of Weddington Road, between Briar Ridge Drive and Edenderry Drive R-3 to MX-2.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modifications:

- The opposing left lane from Weddington Road will be constructed.
- Capped lighting will be used for pedestrian scale lighting.
- The existing pond may not reduce in size more than 15%.

- Petitioner will commit to \$35,000 for a signal at the entrance from Weddington Road, if such a signal is approved by CDOT/NCDOT.
- A note will be added requiring the construction of monumentation at the entrance and the boundary with Providence Plantation, clearly delineating the two developments.

A protest petition was filed and was sufficient to invoke the ¾ majority-voting rule.

Attachment No. 22

HEARINGS

- 23.** Approve a resolution setting a public hearing for November 18, 2002 at 6:00PM on the questions of historic designation of the land for the *“Praise Connor Lee House”* as a Historic Landmark.

Attachment No. 23

- 24. Petition No. 2002-83 (hearing).** Change in zoning from R-3, I-1, and I-1 (CD) to MX-2 for approximately 76.4 acres located on the east side of Old Concord Road between Rocky River and Newell Hickory Grove Road. *Petitioner: Pulte Homes Corporation*

Attachment No. 24

- 25. Petition No. 2002-84 (hearing).** Change in zoning from R-22MF to UR-2 (CD) for approximately 0.88 acres located at the southwest corner of Romany Road and Kenilworth Avenue. *Petitioner: The Boulevard 2000, LLC*

Attachment No. 25

- 26. Petition No. 2002-88 (hearing).** Change in zoning from R-3 to MX-2 for approximately 17.2 acres located on the north side of Ridge Road, east of Prosperity Church Road and west of Highland Creek Parkway. *Petitioner: Charles and Mary Fesperman*

Attachment No. 26

- 27. Petition No. 2002-90 (hearing).** Text amendment to Section 6.110 “Hearing” to require that variances associated with a conditional rezoning is secured prior to the approval of the rezoning request. *Petitioner: City Attorney’s Office*

Attachment No. 27

28. Petition No. 2002-97 (hearing). Change in zoning from R-3 to UR-1 (CD) for approximately 4.7 acres located at the northwest corner of Providence Road (NC Hwy 16) and Rea Road, on the east side of Old Providence Road.

Petitioner: Jack Morgan

A protest petition was filed and was sufficient to invoke the ¾ majority-voting rule.

Attachment No. 28

29. Petition No. 2002-98 (hearing). Change in zoning from R-3 to UR-1 (CD) for approximately 4.95 acres located on the north side of North Sharon Amity between Whitby Lane and Water Oak Road. ***Petitioner: Barry and Bridget Bush***

Attachment No. 29

30. Petition No. 2002-103 (hearing). Change in zoning from R-3 to CC for approximately 9.58 acres located on the southeast corner of Interstate 485 and Rocky River Road bounded by the Mecklenburg County Line to the east. ***Petitioner: APS Investments, LLC***

Attachment No. 30

31. Petition No. 2002-104 (hearing). Change in zoning from R-3 to R-8MF (CD) for approximately 35 acres located on the east side of Reames Road, between Perimeter Parkway and Lakeview Road. ***Petitioner: LandCraft Properties, Inc.***

Attachment No. 31

32. Petition No. 2002-108 (hearing). Change in zoning from B-1 to MUDD-O for approximately 0.28 acres located at the northeast corner of Hawthorne Land and East Seventh Street. ***Petitioner: JDH Development***

Attachment No. 32

33. Petition No. 2002-109 (hearing). Change in zoning from R-5 to MUDD-O for approximately 0.324 acres located between Davidson Street and Yadkin Avenue, east of Matheson Avenue. ***Petitioner: Mullaney, Grillo, Whitaker, McBroom and Roberts***

Attachment No. 33

34. Petition No. 2002-110 (hearing). Change in zoning from R-3, R-17MF and B-1S. C.D. to CC for approximately 154.5 acre located on the north side of Reames

Road and Vance Road, west of Interstate 77. ***Petitioner: Faison Enterprises, Inc.***

Attachment No. 34

- 35. Petition No. 2002-111 (hearing).** Change in zoning from R-3 and B-1(CD) to CC for approximately 43.5 acres located between Vance Road and Point O'Woods Drive, northwest of Reames Road. ***Petitioner: Lincoln Harris, LLC***

Attachment No. 35

- 36. Petition No. 2002-114 (hearing).** Change in zoning from R-8 to I-1 to UR-2 (CD) for approximately 25 acres located on the north side of Freedom Drive at the intersection with Woodruff Place. ***Petitioner: Landcraft Properties, Inc.***

Attachment No. 36

- 37. Petition No. 2002-115 (hearing).** Change in zoning from R-22MF to INST(CD) for approximately 22 acres located on the south side Newland Road between Interstate 77 and Double Oaks Road. ***Petitioner: New Life Fellowship Center of Charlotte, Inc.***

Attachment No. 37

- 38. Petition No. 2002-117 (hearing).** Change in zoning from R-3 to R-8MF(CD) for approximately 14.5 acres located on the northeast corner of York Road (NC Hwy. 49) and Erwin Road. ***Petitioner: Kent Olson***

Attachment No. 38

- 39. Petition No. 2002-118 (hearing).** Change in zoning from I-1(CD) to I-1(CD) S.P.A. for approximately 1.7 acres located on the north side of South Tryon Street (NC Hwy 49), east of Whitehall Park Drive. ***Petitioner: Provonial Holdings, LLC***

Attachment No. 39

- 40. Petition No. 2002-119 (hearing).** Change in zoning from R-3 to R-4 for approximately 12 acres located at the end of Oak Street, north of Polk and White, west of Mallard Creek Road. ***Petitioner: LandCraft Properties, Inc.***

Attachment No. 40

41. Petition No. 2002-120 (hearing). Change in zoning from R-4 to B-1 for approximately 0.824 acres located on the north side of Cindy Lane, east of Beatties Ford Road. *Petitioner: Muhammad Hasan*

Attachment No. 41

42. Petition No. 2002-122 (hearing). (Location of Required Parking) To consider a text amendment to the City of Charlotte Zoning Ordinance to allow permit parking for single family dwellings, duplexes and dwellings with three or more dwelling units attached garages in the required and established setback on the condition that such parking is limited to improved driveways or parking pads and sets maximums for the sizes and extent of their land coverage.
Petitioner: City Attorney's Office

Petitioner requests a one-month deferral and ask Council to defer the hearing and it will be advertised again.

Attachment No. 42